



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Am

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,487	03/01/2002	Shoji Kurakake	10745/16	3018

7590 05/10/2005

Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

EXAMINER

DAFTUAR, SAKET K

ART UNIT	PAPER NUMBER
----------	--------------

2151

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/087,487	Applicant(s) KURAKAKE, SHOJI	
	Examiner Saket K. Daftuar	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01, March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01 March, 2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-14 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Pitkin et al., U.S. Patent 5,341, 477(hereinafter, Pitkin).

As per claim 1, Pitkin discloses a communication network (Column 1, Lines 29-34); a resource-mediating server coupled with the network and configured to manage information about available resources necessary for execution of a task [Column 1, Lines 51-54]; and a communication device configured for communication with the network and for executing a task using necessary resources accessed over the network, task execution being adapted in response to the information about available resources [network client, Column 1, Lines 43-45].

As per claim 2, Pitkin discloses an agent processor [client] coupled with the communication network and configured to receive from the communication device over the communication network control code for operating the agent processor for execution of a portion of the task [an agent processor client is connected to "server", Column 1, Lines 51-54].

As per claim 3, Pitkin discloses a resource requesting device which originates a request for resources for communication to the resource-mediating server [client has a wide range of resources available to supply requested service, Column 1 Lines 43-45].

As per claim 4, Pitkin discloses the resource requesting device includes a list of necessary resources with the request for resources [client capacity to use resources accessible through the network, Column 1 Lines 43-45].

As per claim 5, Pitkin discloses a classifying device configured to classifies the task according to list of necessary resources [modeling process that occurs in the development of the network policy to be implemented by the broker mechanism for each service, Column 5, Lines 19-22].

As per claim 6, Pitkin discloses the resource requesting device is configured to include a requested service quality level in the request for services [service quality levels are network name and network policy. Network which shows server the best available network policy is going to be recognized by network services name, Column 1 Line48 and Column 4, Lines 53-55].

As per claim 7, claim 7 falls under same limitation of claim 2. Therefore, claim 7 have been rejected under same rationale.

As per claim 8, Pitkin discloses the communication device is configured to include a requested service quality level [overall network policy, Column 2 Lines 62-68] in the request for services and receive a service quality level offered by the agent processor in response to the requested service quality level, the communication device further being configured to adapt the control code according to the service quality level.

As per claim 9, Pitkin discloses a device which collects resource information [collecting a local policy for each server, Column 11, Lines 67-68; The Repository is necessary to store the network policy, Column 6, lines 27-28]; a request receiving device that receives a request from the communication device to use resources necessary for the communication device to execute a communication task [Server to deliver each of the

plurality of services to said client, Column 12, Lines 4-5]; a receiving device configured to receive from the communication device information defining a preferred level of service quality for the communication task [Column 12, Lines 14-24]; a device which produces combinations of necessary resources satisfying the request to use resources and the preferred level of service quality; [Column 12, Lines 14-19]; and a notifying device configured to provide a notification of the combinations of necessary resources to the communication device. [One known type of broker operates by assigning an entire server to a client irrespective of the capacity needed by the client, Column 2 Lines 23-24].

As per claim 10, Pitkin discloses a sorting device which sorts the combinations of necessary resources according to the service quality levels for the resources and the preferred level of service quality [Fig.2, once local network policies have been determined for the entire network, it is stored in the distributed repository (Column 5, Lines 53-57)].

As per claim 11, Pitkin discloses an informing device which notifies the resource mediating server of a request to use distributed resources of the communication network before execution of a task requiring the distributed resources [One known type of broker operates by assigning an entire server to a client irrespective of the capacity needed by the client, Column 2 Lines 23-24]; a receiving device which receives from the

Art Unit: 2151

resource-mediating server an indication of reserved resources [Scan weight value parameter executes the number of client request which can be satisfied by a server before that server is removed, Column 3, Lines 33-35 and determine the current usage of the server relative to the established local policy, Column 6, lines 5-7]; a second informing device which notifies the resource mediating server of one of a confirmation and a cancellation of reserved resources defined by the indication of reserved resources [One known type of broker operates by assigning an entire server to a client irrespective of the capacity needed by the client, Column 2 Lines 23-24]; and a device for executing the task using the distributed resources based on the indication of reserved resources [broker suggestion, Column 2, Lines 45-47 and Enforcing servers local policy on requesting client, Column 6, lines 7-9].

As per claim 12, Pitkin discloses a device which stores resource information [collecting a local policy for each server, Column 11, Lines 67-68; The Repository is necessary to store the network policy, Column 6, lines 27-28]; a request receiving device that receives a request from the communication device to use necessary resources for execution of the task by the communication device [Server to deliver each of the plurality of services to said client, Column 12, Lines 4-5]; a quality request receiving device that receives information about a preferred level of service from the communication device [Column 12, Lines 14-24]; a classifying device

which classifies the task according to task category; [modeling process that occurs in the development of the network policy to be implemented by the broker mechanism for each service, Column 5, Lines 19-22]. a device which produces based on the classification of the task, combinations of necessary resources; a device which produces measures of service quality associated with the combinations of necessary resources; [Column 12, Lines 14-19]; a sorting device which sorts the combinations of necessary resources based on the measures of service quality and the preferred level of service [Fig.2, once local network policies have been determined for the entire network, it is stored in the distributed repository (Column 5, Lines 53-57)]. a reserving device which reserves resources for use by the communication device executing the task; [broker suggestion, Column 2, Lines 45-47 and Enforcing servers local policy on requesting client, Column 6, lines 7-9]; an informing device which notifies the communication device of the reserved resources [One known type of broker operates by assigning an entire server to a client irrespective of the capacity needed by the client; Column 2 Lines 23-24]; a reservation receiving device which receives one of a reservation confirmation or cancellation from the communication device. [Scan weight value parameter executes the number of client request which can be satisfied by a server before that server is removed, Column 3, Lines 33-35 and determine the current usage of the server relative to the established local policy, Column 6, lines 5-7].

As per claim 13, Pitkin disclose requesting use of distributed resources to execute a task [Suggesting a server to requesting client based on the collection of local server policies, Column 6, lines 10-12]; requesting a preferred level of service for use of the distributed resources [Broker to operate when there is a network policy for a given service for requesting client, Column 6 lines 3-5]; receiving an indication of reserved resources [To determine the current usage of the server relative to the established local policy, Column 6, lines 5-7]; and executing the task using the resources of the distributed resources according to the reserved resources [Enforcing servers local policy on requesting client, Column 6, lines 7-9].

As per claim 14, Pitkin discloses transferring information to a reserved resource for task execution by the reserved resource [Repository to store network policy to compare current server capacity, Column 6 lines 23-30].

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See accompanying P.T.O 892.

a. Method and Apparatus for controlling server by Kawano et al., U.S. Patent Number 6697836.

b. Distributed configuration profile for computing system by Miller et al., U.S. Patent Number 5475819.

c. Interprocess communications interface for managing transaction requests by Boll et al., U.S. Patent Number 5644720.

d. Method and system for Automatically configuring a client-server network by Manukyan, U.S. Patent Number 6687733.

e. Dynamic Scheduling of task streams in a multiple-resource system to ensure task stream quality of service by Goyal, U.S. Patent Number 6711607.

f. Remote information service access system based on a client-server-service model by Konrad, U.S. Patent Number 5544320.

g. System to facilitate efficient utilization of network resources in a computer network by Caccavale, U.S. Patent Number 5459837.

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (See 35 U.S.C 133, M.P.E.P 710.02,71002 (b)).

Art Unit: 2151

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Saket K. Daftuar** whose telephone number is **571-272-8363**. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Zarni Maung** can be reached on **571-272-3939**. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Saket Daftuar
AU 2151
April 29, 2005


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER